IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

TUESDAY, THE 20TH FEBRUARY 2007 / 1ST PHALGUNA 1928

WP(C).No. 2869 of 2007(N)

CP.3/2006 of J.M.F.C.,ETTUMANUR
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PETITIONER:

K.M.MARIAM, NEDUMTHAKADI HOUSE,
KUDAMALOOR P.O., AYMANAM, KOTTAYAM.

BY ADV. SRI.BECHU KURIAN THOMAS

RESPONDENTS:

STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURRT OF KERALA, ERNAKULAM.

BY D.G.P. SRI. P.G. THAMPI.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 20/02/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

R. BASANT, J.

W.P.(C) NO.2869 OF 2007-N

Dated this the 20th day of February, 2007

JUDGMENT

After detailed discussions at the Bar, the learned counsel for the petitioner only prays that the petitioner may be permitted to withdraw this petition without prejudice to her rights to raise her contentions before the learned Sessions Judge to claim discharge under Sec.227 of the Cr.P.C. Request is accepted.

2. This writ petition is, in these circumstances, dismissed without prejudice to the rights of the petitioner to claim discharge at the stage of Sec.227 of the Cr.P.C.

3. The learned counsel for the petitioner prays that unnecessary insistence on personal appearance of the petitioner may not be made by the courts below. I have no reason to assume that such insistence shall be made by the courts below. The petitioner – a woman, who was the Principal of a College, can certainly apply before the court below for exemption from personal appearance on dates when

such personal appearance is not necessary for the proper progress of the case.

4. This writ petition is, in these circumstances, dismissed with the above observations.

Sd/-

(R. BASANT, JUDGE)

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P.S. to Judge